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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Makoto KOREHISA, et al.
Serial No.: 09/663,501
Filed: September 15, 2000
For: BROADCAST PROGRAM INFORMATION PROCESSING APPARATUS
Art Unit: 2611
Examiner: Huynh, Son P.
Confirmation No.: 2807

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(Name of Applicant, Assignee or Registered Representative)

Thomas F. Presson
Signature

September 10, 2004
Date of Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Office Action that issued in the above-identified application on August 10, 2004, requiring an election. The Office Action has a one-month statutory period for response set to expire on September 10, 2004.

The Examiner identified the following species:

Species 1: Figure 1

Species 2: Figure 3

Species 3: Figure 5

Species 4: Figure 7

Species 5: Figure 9 and

Species 6: Figure 11.

Applicants elect, **with traverse**, Species 2: Figure 3 on which claim 2 reads.

It is submitted that a search for the invention defined by the claim of Species 2 will require a search that encompasses the claims of Species 1 and 3-6 and, thus, the claims covering all species will be searched. If the present requirement for an election of species is maintained, the logical result will be the filing of a divisional application to include the claims that read on the non-elected species. Of course, this will mean that the examination of such claims will be delayed. However, since the search for the claims included in such divisional application will overlap with and, in all probability, be identical to the search that is to be conducted on the Species 2 claim elected herein, the primary effort needed to examine all applications will be repeated. Furthermore, it is likely that the same Examiner will be in charge of the divisional application; but in light of the delay between the prosecution of the present application and that of the divisional application, the Examiner will have to conduct a duplicate, redundant search at a later time. Alternatively, if a different Examiner is assigned to the divisional application, a significant loss of PTO efficiency will result in the examination of that divisional case. After all, the present Examiner will be the individual in the best position to examine both applications due to

familiarity with the subject matter of that divisional application.

Therefore, since the only logical outcome of the present requirement for an election of species would be to delay the examination of the claims that read on Species 1 and 3-6, resulting in inefficiencies on the part of the PTO and unnecessary expenditures by applicant, and since a single search can be done for all claims without any significant burden on the Office, it is respectfully requested that this requirement for an election of species be withdrawn.

Applicant reserves the right to file divisional applications, if necessary, so as to proceed with the examination of the non-elected claims.

An early examination on the merits of the claims of this application is respectfully solicited.

Respectfully submitted,
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